REMARKS

In response to the Restriction Requirement dated April 28, 2005, Applicants provisionally elect, with traverse, the claims of Group V (claims 53-68). The claims of Group V are drawn to a method of treating an autoimmune disease in a subject comprising administering an interferon antagonist.

Applicants have further been required, at pages 7-9 and as further clarified for election of Group V at the bottom of page 12 of the Restriction Requirement, to elect an autoimmune disease and an interferon antagonist. In response, Applicants elect with traverse species (xv) psoriasis as the autoimmune disease and species (xxvi) an antibody as the interferon antagonist.

New claims 78 and 79 have been added with this Response. These new claims add no new matter. Support for new claim 78 can be found throughout the application as filed (for example, at page 18, lines 3-8). Support for new claim 79 can be found, for example, in priority application No. 60/260,541, filed January 9, 2001, which has been incorporated herein in its entirety.

Newly added claim 78 is directed to a method of treating the autoimmune disease psoriasis and newly added claim 79 is directed to a method of treating an autoimmune disease using an antibody to an anti-IFN-α antibody or antigen-binding fragment thereof. Applicants respectfully submit that newly added claims 78 and 79 correspond to the elected group and species of the invention, and examination with the instant provisionally elected group V is therefore respectfully requested.

As required by the Restriction Requirement at page 11, Applicants respectfully submit that the elected autoimmune disease species (xv) psoriasis is readable on claims 53-55, and 60-68, as well as newly added claims 78 and 79, and that the elected interferon antagonist, (xxvi) an antibody, is readable on claims 53, 55-59, and 61-67, as well as newly added claims 78 and 79. Applicants respectfully submit that they will be entitled to further examination of the remaining species of these genus claims if the elected species is found to be patentable as provided under 37 C.F.R. §1.141. Applicants' substantive arguments in support of their traversal of the restriction requirement are presented below.

In support of their traversal of the restriction requirement, Applicants respectfully note that, for a restriction requirement to be proper, it must establish that both:

(A) The inventions are independent or distinct; and
(B) There must be a serious burden on the examiner if restriction is required (see MPEP §803).

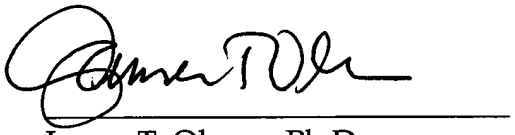
Applicants respectfully assert that the restriction requirement presented has not established both of these criteria. In particular, Applicants respectfully assert that there would be no undue burden on the Examiner to search both the claims of restricted group I and the claims of elected group V, because both require the use of an interferon antagonist to treat an autoimmune disease. Accordingly, the search and examination of the claims of restricted group I, which require the use of at least one Flt3 ligand (Flt3L) antagonist in conjunction with at least one interferon antagonist to treat an autoimmune disease in a subject, represent no additional burden over the search of the claims of elected group V, which require only the use of an interferon antagonist to treat an autoimmune disease in a subject.

CONCLUSION

This Response is timely filed on Tuesday May 31, 2005 because the one month deadline for responding to the May 28, 2005 Restriction Requirement occurred on a Saturday over the Memorial Day weekend holiday.

No fees are believed to be due at this time. However, if such a fee is due or a credit is owed, please make them to our Deposit Account No. 08-0219. If there are any questions, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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Dated: May 31, 2005

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